

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 2, after line 18, begin a new paragraph and insert:
2 "SECTION 4. IC 20-26-7-1, AS AMENDED BY P.L.234-2007,
3 SECTION 227, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) If a governing body of a
5 school corporation determines that any real or personal property:
6 (1) is no longer needed for school purposes; or
7 (2) should, in the interests of the school corporation, be
8 exchanged for other property;
9 the governing body may sell or exchange the property in accordance
10 with IC 36-1-11.
11 (b) Money derived from the sale or exchange of property under this
12 section **and section 1.5 of this chapter** shall be placed in any school
13 fund:
14 (1) established under applicable law; and
15 (2) that the governing body considers appropriate.
16 (c) A governing body may not make a covenant that prohibits the
17 sale of real property to another educational institution.
18 **(d) Each governing body shall make an annual report to the**
19 **department of vacant, closed, or unused school facilities owned by**
20 **the school corporation. The department shall publish the list on the**
21 **web site maintained by the department. If the department learns**

1 **of additional vacant, closed, or unused school facilities not reported**
 2 **by a school corporation, the department shall add the facilities to**
 3 **the published list.**

4 SECTION 5. IC 20-26-7-1.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2009] **Sec. 1.5. (a) After a school facility owned by a school**
 7 **corporation appears on the list of vacant, closed, or unused school**
 8 **facilities published by the department under section 1(d) of this**
 9 **chapter, the governing body shall offer the school facility to**
 10 **charter schools and other educational institutions for:**

11 **(1) purchase; or**
 12 **(2) lease, if a charter school or other educational institution is**
 13 **unable to purchase the facility;**
 14 **before offering the school facility for sale or exchange under**
 15 **section 1 of this chapter.**

16 **(b) The sale or lease price for a school facility described under**
 17 **subsection (a):**

18 **(1) must be based on the fair market value of the school**
 19 **facility; and**
 20 **(2) may not be based on the replacement value of the school**
 21 **facility.**

22 **(c) Notwithstanding subsection (b), a governing body may sell**
 23 **or lease a school facility described in subsection (a) for a price that**
 24 **is greater than the fair market value of the school facility."**

25 Renumber all SECTIONS consecutively.
 (Reference is to SB 227 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 7, Nays 2.

Senator Lubbers, Chairperson